

REMARKS

Claims 1, 3-6, 18, 19, 22 and 25 are pending and are the subject of the present office action. Claims 4-6 have been canceled without prejudice and without acquiescence to any objections or rejections in the office action. Applicants do not intend by this amendment to surrender the subject matter embodied by the cancelled claims and reserve the right to pursue the claimed subject matters in future continuing applications.

Claims 1 and 3 have been amended to reflect the appropriate SEQ ID NO: identifier. The Examiner noted in the office action that Figure 1B contains sequences not included in the Sequence Listing filed with the application. Applicants are filing under separate cover a supplemental Sequence Listing for the application to bring the Sequence Listing into compliance with the requirements of 37 CFR 1.821-1.825.

The specification has also been amended at page 1 to update the status of Applicants' priority applications, pursuant to the Examiner's request.

The amendments are illustrated on the attached page entitled "Marked Up Version to Show Changes Made". For the Examiner's convenience, a clean copy of the text on page 1 and the now pending claims 1, 3, 18, 19, 22, and 25 is provided above.

Applicants are filing herewith formal drawings for the application which are believed to correct the informalities noted by the official draftsman in PTO Form 948. Entry of these formal drawings into the application is respectfully requested.

In the office action, claims 1, 3-6, 18, 19, 22 and 25 were rejected under Section 102(a) as being anticipated by Wiley et al., Immunity, 1995, and under Section 102(e) as being anticipated by Wiley et al., US Patent 5,763,223. Applicants respectfully traverse both of the rejections.

Neither Wiley et al. reference teaches or suggests an Apo-2 ligand polypeptide having amino acid residues 91-281. The Examiner has referred to various portions of the respective Wiley et al. references regarding the TRAIL protein, but it is clear that there is no description in these references to a 91-281 form of the protein. It is respectfully submitted that neither Wiley et al. reference teaches or enables the skilled artisan to practice the claimed invention. Withdrawal of the Section 102 rejections is therefore requested.

Lastly, the undersigned wishes to bring to the Examiner's attention that the Form 1449 (pages 1-11) attached to the office action is not initialed by the Examiner. The undersigned respectfully asks the Examiner to forward a copy of the initialed Form 1449 with the next office communication to indicate the Examiner's consideration of the references cited by the Applicants.

Respectfully submitted,

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MARKED UP VERSION TO SHOW CHANGES MADE

IN THE SPECIFICATION:

In the paragraph on page 1, lines 12-18, the text has been amended as follows:

---This application is a continuation of application serial no. 09/060,533 filed April 15, 1998, now abandoned, which is a continuation-in-part application of application serial no. 09/007,886 filed January 15, 1998, now abandoned, which is a continuation-in-part application of application serial no. 08/780,496 filed January 8, 1997, now issued as US Patent No. 6,046,048, which is a non-provisional application claiming priority under 35 USC 119(e) to provisional application no. 60/009,755 filed January 9, 1996, the contents of which are incorporated herein by reference. ---

IN THE CLAIMS:

1. (Amended) An isolated soluble Apo-2 ligand polypeptide comprising amino acid residues 91-281 of Figure 1A (SEQ ID NO:1).
3. (Amended) An isolated soluble Apo-2 ligand polypeptide consisting of amino acid residues 91-291 of Figure 1A (SEQ ID NO:1).

Please cancel claims 4-6 without prejudice.